

## COMMITTEE ON HUMAN RESOURCES/INSURANCE

**August 1, 2006**

**5:00 PM**

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Shea, Pinard, Duval

Absent: Alderman Garrity

Messrs.: Alderman Lopez, Virginia Lamberton, Diane Prew

Chairman Gatsas addressed item 3 of the agenda:

3. Communication from Virginia Lamberton, Human Resources Director, requesting a reclassification of four Information Services positions, outlined herein.

On motion of Alderman Shea, duly seconded by Alderman Duval, it was voted to remove for discussion.

Ms. Virginia Lamberton, Human Resources Director, stated perhaps you will recall almost a year ago I started sending letters to the different departments to review their current class specifications and to see if they were up-to-date and contemporary and we got through several departments and then when we started the budget process we sort of put that aside for awhile, so I'm back. And one of those departments was Information Services and what we found was that there was a need to change some of the titles only. There is one position, which is now currently vacant that we're recommending that the title be changed, and that the position be reallocated to labor grade 19. So we walk through with the Computer Operator, just a change in language; Web Service Administrator, change in language; Senior Programming Manager, the title is supposed to change to that. And then, next page, there's the position that we're asking to have changed in title and in grade. It's currently called a Computer Programmer and we're asking to have it classified to an Applications Developer Analyst, salary grade 19. Also on your place there I gave you an addendum to this item because I neglected to submit another change which, if you look at the org chart...

Chairman Gatsas stated before you go on, the salary change from a grade 18 to a 19...3%...what department?

Ms. Lamberton stated the current entry level of salary grade 18 is \$39,583; the 19 is \$42,354.

Chairman Gatsas asked is it that we can't find somebody for the 39 or...?

Ms. Lamberton replied we don't classify positions based on that. We analyze the responsibilities of the positions with the point factor system and when we analyzed this position we determined that some of the points were off and we increased some of the points and it came out to a salary grade 19 instead of an 18.

Chairman Gatsas asked is somebody in this position?

Ms. Lamberton replied no it's currently vacant.

Alderman Shea asked is there money available to fill the position? I'm not sure if Diane would be able to answer that.

Ms. Prew, Information Systems Director, stated the position is currently funded in my budget.

Alderman Shea asked it is funded with the additional step or you're able to upgrade that position from the 18 to 19 at....?

Ms. Prew stated yes.

Alderman Shea asked you are, with your current allocation?

Ms. Prew stated right.

Alderman Shea stated thank you.

Ms. Prew stated the reason for that is that the position is vacant and it will take some time to fill.

Chairman Gatsas asked any other questions?

Chairman Gatsas stated really what you're saying is that next year your salary line increase is going to be already an additional \$3,000...based on that.

Ms. Lamberton responded let me answer that. Not necessarily because Diane is now losing people because of the way the budget went. And so she is going to have other positions that are vacant and those people have been around a long time, and as we replace those people they are going to probably come in at lower salary.

Chairman Gatsas stated that's an assumption.

Ms. Lamberton stated I think it's a good assumption.

Chairman Gatsas stated do we have a motion?

On motion of Alderman Shea, duly seconded by Alderman Duval, it was voted to approve a request for reclassification of four Information Services positions including the additional reclassification of the Senior Applications Developer/ Analyst position.

Chairman Gatsas addressed item 4 of the agenda:

4. Communication from Virginia Lamberton, Human Resources Director, proposing change to Ordinance 33.048, Advancements Within Pay Range by replacing the term Promotion to Step Increases.

On motion of Alderman Duval, duly seconded by Alderman Pinard, it was voted to remove for discussion.

Alderman Shea stated one of the things I noticed as I was reading through it has to do with the last sentence. It kind of disturbs me in a sense, having had to do evaluations myself as a former school principal and it says, "Such evaluation of work performances shall be made on an objective and equitable basis. An incomplete evaluation will be considered a satisfactory evaluation." Well, how do you explain...aren't the people evaluated normally for different upgrades and if somebody isn't evaluated, how can that be a satisfactory evaluation?

Ms. Lamberton responded because currently you have over 900 employees in the city who are covered by collective bargaining agreements and that language is in all of their contracts. The non-affiliated do not have that language in the ordinance. And what happens, unfortunately, from time to time, is the department head, for whatever reason, doesn't get around to doing an evaluation and the employee is sitting there and waiting and waiting... they ask for it to be done, nothing happens, and that's really not fair to the employee.

Alderman Shea responded right, because basically someone may be doing a very good job and someone may be doing an okay job, and the one that's doing an okay job is evaluated the same way as the one that's really working hard to make sure that things work well. Like in other words, when you say the department heads, are they usually the only ones that evaluate their employees or don't they delegate some like if...

Ms. Lamberton responded depending upon the size of the department, yes. There's a signature line for department heads on all of the forms though. And that's a way for a department head to evaluate the competency of his or her supervisors and managers beneath him. For example, if a department head has reason to believe an employee is doing a great job or a terrible job that ought to be reflected in the evaluation. But if it's not, then that department head knows that he or she has a problem with whoever is doing the evaluations.

Alderman Shea stated I would think that if someone files a grievance and there's no paperwork regarding that particular individual, in terms of whether they're performing their responsibilities adequately or favorably, then what is the basis for anyone to have to be fired or not re-hired. I mean it really leaves people open-ended in terms of how much proof you can have to have a person, short of maybe obvious wild corruption or thievery or whatever else, but it leaves the city at a position where they don't really, can actually weed out those who are not really performing as they should perform. That would be my concern.

Ms. Lamberton responded and I don't disagree with you, so if a department, and this is not affiliated now that we're talking about, okay? If a department comes to us and says, "I want to fire Peter," what do you think the first thing I do is, I go and pull Peter's file. If there's no performance evaluations in there I tell the department head, "You haven't been doing your job."

Alderman Shea stated that's right.

Ms. Lamberton continued you need to go back and start to talk to this employee, give them suggestions on how they can do their job properly, and after you've done that if things continue to fail, do their evaluation with constructive criticism, then come back to me. But in the meantime, the good employee is sitting there with nothing happening and they're not getting their salary increase.

Alderman Shea asked now whose responsibility...let's assume that this has not been done, how do you correct that in the year 2006? What can anyone do to correct that?

Ms. Lamberton responded well it would be back to the date of what they call date of position, the date it was originally due. What that does is work against that department head's budget, for the next year.

Chairman Gatsas said let me ask you a question: Of the 900 how many evaluations...

Ms. Lamberton responded I don't know the specific answer to that. I don't even know how I would tell you that without going through all 1,200 personnel files.

Chairman Gatsas said the question is that we get somebody to go through all the departments - all the department heads...they're getting paid an awful lot of money, and if they can't accommodate what the ordinance of the city asks for...

Ms. Lamberton stated well what we do is we send them reminders and reminders and reminders is what we do.

Chairman Gatsas responded well then I'm asking you what should we do, what would you like to do? How many department heads, how many evaluations per department, are missing, and when they're due, so we can get a running tab and we can help you with this violation...Alderman Lopez...

Alderman Lopez stated thank you Mr. Chairman. I think some very good points have been raised and I'd just like to raise another point. I think the responsibility - and you brought up the ordinance aspect of it - I think the responsibility of the department heads to perform their duty, which is either unsatisfactory or satisfactory. I think the way I'm reading it, and probably everybody else is reading it, the inefficiency of the department head not performing his responsibility of giving that employee a satisfactory or an unsatisfactory... in either case if he fails to do either, then he's shirking his responsibility. I want to point that out.

Chairman Gatsas asked does anyone want to make a motion?

On motion of Alderman Duval, duly seconded by Alderman Shea, it was voted to have Human Resources put together, by department, evaluations...work back to it with a recommendation...the department heads need to do them within a certain time frame...you get caught up on your own...at that point...somebody is beholding to somebody because obviously department heads aren't beholding to their evaluations. That's part of their job description.

Ms. Lamberton stated that's correct.

Alderman Shea duly seconded the motion.

Alderman Lopez asked would that include department heads when you say employees?

Chairman Gatsas responded well you can't say department heads. Department heads don't evaluation themselves.

Alderman Lopez said no but the mayor is responsible.

Chairman Gatsas said I would say whoever's evaluations.....

Alderman Lopez said thank you.

Chairman Gatsas said a question of Ms. Lamberton?

Alderman Duval asked Ms. Lamberton any guess at all in terms of the... how many we... do you suppose the department heads are doing? Can you guess or do you think it's...

Ms. Lamberton said no, no. In the affiliated departments, the department heads know if. they don't do them, nobody's going to get the step increase. But if they have a concern, they make it their business to get them done. In the non-affiliated departments there's no language that provides for that to happen, so sometimes I don't believe they're as motivated as they might need to be. And then some people... it's scattered...when people are what they call maxed up, they've reached the maximum step, a lot of people don't understand the need to continue to evaluate the employees at that time as well. I think we'll find a lot of that, the numbers

Alderman Duval asked shouldn't we as employees understand...as a good evaluation.

Ms. Lamberton replied absolutely.

Chairman Gatsas called for a vote on the motion.

Chairman Gatsas asked what kind of time frame are we looking at?

Ms. Lamberton stated it depends on whether or not I can get it from the computer or not. If I can get it from the computer probably in a day or two, but if it's going through all those files, it's going to be a while. And I lost a position so I have one less support person now. And so it's like. . .

Chairman Gatsas stated one less evaluation.

Ms. Lamberton responded that's right!

Chairman Gatsas stated so by the next meeting we could get an update from you or we'll have it if it's computer....

Ms. Lamberton said correct.

Chairman Gatsas said thank you and called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed item 5 of the agenda:

5. Communication from Virginia Lamberton, Human Resources Director, proposing change to Ordinance 33.054(B)(2), Overtime Compensation/Compensatory Time allowing up to 80 hours for employees such time to be taken prior to the employee terminating from city employment.

On motion by Alderman Shea, duly seconded by Alderman Duval, it was voted to remove for discussion.

Alderman Shea asked how many employees now work a 35-hour week?

Ms. Lamberton responded really none. Everybody's on the forty-hour schedule. I want to qualify that. There might be some LPN's in that collective bargaining agreement that are still on the 35-hour schedule. Everybody else is on 40.

Alderman Shea stated right, because I thought that the Yarger Decker, that's why the purpose of that was to put everybody on forty hours.

Ms. Lamberton said that's right, 40 hours.

Alderman Shea asked and who's entitled to compensatory time or whatever? I mean how does that work?

Ms. Lamberton replied by the Fair Labor Standards Act, you have to compensate a non-exempt employee with money or time after 40 hours.

Alderman Shea asked so it's non-exempt people, right?

Ms. Lamberton replied at time and a half. You may also give compensatory time to exempt people if you so desire.

Alderman Shea stated well the exempt people are department heads that may...

Ms. Lamberton said no, there's other than department heads that are considered exempt. When you get to like a salary grade - and I'm generalizing here now - anywhere between like a 17, 18, and a 21, there's a mix in there of exempt and non-exempt but once you hit salary grade 21 they're usually exempt.

Alderman Shea stated well, exempt employees if they were to work more than 40 hours or...

Ms. Lamberton stated well it could be. You know I'm not, there are some times where there are special projects that have to be done and, again, it's up to the department head to use good sense. Just because somebody stayed five minutes late is not comp time. Okay, comp time now is only when, say I brought one of my non-exempt staff members tonight with me. Okay, and so he or she was here for an hour when I would be obligated at the end of the week, they worked 41 hours, to give them an hour and a half of money or an hour and a half of comp time.

Alderman Shea said right, let me get. . . a department head you said is an exempt employee because of the salary that a department head receives. You're still saying that if they work beyond a certain number of hours, they can receive compensatory time?

Ms. Lamberton responded any exempt person can do that whether it's here or in the private sector, yes. I'm not saying we do it. I'm just saying that the law allows...the law sets up requirements for what you have to do for non-exempt people.

Alderman Shea stated okay, well let's assume that I'm a department head. I'm not citing anyone, but I'm a department head and I after work attend a meeting or do something. Do I decide as a department head, as an exempt employee, that I'm entitled to compensatory time?

Ms. Lamberton responded probably not. You'd probably discuss that...

Alderman Shea asked well who does then?

Ms. Lamberton answered you'd probably discuss that with the mayor.

Alderman Shea replied oh okay, all right. That sounds logical. I mean, you know, thank you.

Chairman Gatsas asked who makes the decision...?



Ms. Lamberton responded the department head would.

Chairman Gatsas stated you have a computer printout of the number of hours of comp time...given by department.

Ms. Lamberton responded only a few departments actually have comp time at this point because the current ordinance says that if you get an hour today you have to use it up by the next Friday. And a lot of times that's just impractical. That's what I'm trying to change is, say you have a peak in workload right now but it's going to go down, and at that time the employees would be allowed to take the time off. We don't want them banking it for termination purposes. I know the police...because I sign all the termination forms, I know that the police department in their system does have compensatory time. I do know that.

Chairman Gatsas stated compensatory time...this ordinance...

Ms. Lamberton responded correct. There's no pay out.

Alderman Lopez stated the employees must agree to...

Ms. Lamberton stated that's correct. If funds are available to pay overtime the employees should be paid. We're talking about situations where you don't have any funds but you need the work to be done so then you can give compensatory time because you've still got to get that job done. And again, you have that now. It's just it's such a narrow window that the employee can use it and if we don't give it to him we're in violation of federal law and then they're carrying it anyway. When you start encouraging people to flip the books, you know have two sets of books, one that we look at and one that's reality. We don't want that.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to recommend approval of proposed Ordinance Amendment 33.054 (B)(2).

Chairman Gatsas addressed item 6 of the agenda:

6. Communication from Virginia Lamberton, Human Resources Director, proposing change to Ordinance 33.076(A), Special Leave authorizing department heads to determine whether or not an employee may be granted up to ninety (90) days off without pay with any additional time thereafter requiring approval from the Board of Mayor and Aldermen.

On motion of Alderman Shea, duly seconded by Alderman Duval, it was voted recommend approval of proposed Ordinance Amendment 33.076(A).

Chairman Gatsas addressed item 7 of the agenda:

7. Communication from Virginia Lamberton, Human Resources Director, requesting to amend Ordinance 33.080, Military Service and recommending an additional five days of paid military leave for the specific purpose of attending funerals that employees are ordered to participate in.

On motion of Alderman Pinard, duly seconded by Alderman Duval, it was voted

Chairman Gatsas asked could you just make that a little bit clearer?

Ms. Lamberton responded yes. Currently and for as many years as I can see in the ordinances, we have given our employees who are members of the Army Reserves or the National Guard ten paid military days per training year. Training year is October 1<sup>st</sup> to September 30<sup>th</sup>. And prior to all these conflicts, that covered the employee when he or she went into their annual training. And that was fine. With all these conflicts now, and the unfortunate deaths of some of our military people, what happens is those ten days go away like that and when they have to go for their training or something and they have to use up their vacation time and they may not have much vacation time because we don't really...especially if they're a fairly new employee, and all of a sudden you have somebody returning from training or military leave and they have, you know they're all wired, so to speak, and then they're back on the job or they have to go without pay. We don't want that, and what I'm told by some of the military people is that because of the deaths of some of our soldiers in New Hampshire, they essentially get activated for a day to go to the funerals in their military regalia and participate in the funerals and so that's eating up a lot of their military leave and so I thought it would be nice if we gave them up to five days for funerals and hopefully they'll never have to use them. That's all I'm saying.

Alderman Shea stated I think the key word is ordered.

Ms. Lamberton responded I want to go to a funeral, no. Ordered. Military orders. Any military leave they have to provide us with military orders.

On motion of Alderman Duval, duly seconded by Alderman Pinard, it was voted to recommend approval of proposed Ordinance Amendment 33.080.

Chairman Gatsas addressed item 8 of the agenda:

8. Communication from Virginia Lamberton, Human Resources Director, requesting a policy be set regarding the retiree insurance subsidy in situations where a retiree is married to an active city employee.

On motion of Alderman Shea, duly seconded by Alderman Duval, it was voted to remove for discussion.

Alderman Shea stated I have a question. It's kind of like a dilemma here but if the individual is entitled to a subsidy, then obviously they either earned it or by law they're given it. The other point is that if somebody works in a City department now they're supposed to pay 12 and a half percent out of their own pay, is that really what they're supposed to do? In other words, somebody that is entitled to a subsidy...that subsidy and apply it to the other insurance that they're benefiting from, I mean that seems to me to be kind of a difficult question.

Ms. Lamberton responded at first I felt the same way you did. But I've thought about it and thought about it. Then I realized that the legislature has given our retirement system the authority to give different amounts for health care subsidy for... person that retires from the City, depending upon the years of service and when they retire. Just put that over there for now. That's the retired employee. Now we have an employee who is an active employee like me who happens to be married to a retired employee. That active employee is either paying 12 and a half percent towards the premium for their health insurance or five percent, depending up whether they have Blue Choice or Matthew Thornton. So, why wouldn't we allow that subsidy to be applied toward the payroll deduction that the active employee has for the retired employee? And I'm asking you, it's really a policy decision because we had marching orders a couple of years ago, I don't know if you remember, about married couples and whatnot. And I just wanted to make sure that we're all on the same path and agreed that that subsidy should be able to be applied toward the married working employee's spouse's subsidy. The City gets the money. The retired person doesn't ever get the money, directly. It comes to the City and it's applied toward the premium that we're paying for the health insurance. You with me?

Chairman Gatsas stated give me an example...I retire...my wife's on the insurance...let's say that my subsidy is \$100...for me to participate in the health plan asking additional...say the figure is \$500.

Ms. Lamberton stated I can tell you what it is. For Blue Choice it's \$17.28 a week for each person. So, it would be twice, \$34.56 for two people.

Chairman Gatsas asked and what would my cost be, weekly based, as a retiree?

Ms. Lamberton replied your cost is going to be nothing because your spouse is carrying you and he or she has the payroll deduction coming out of their checks. They're having a payroll deduction of \$34.56, of which \$17.28 is for the retired spouse.

Chairman Gatsas stated so if I wanted to participate in retiree health insurance, I'm getting a subsidy. I can't participate?

Ms. Lamberton said I don't understand your question.

Chairman Gatsas asked can I participate in the retiree insurance plan?

Ms. Lamberton replied in this type of situation the retiree is on the City's regular health insurance and even if both of them were retired they still would be on the City's health insurance.

Chairman Gatsas stated that whatever that subsidy is they want it applied to this.

Ms. Lamberton replied right. And I agree with that. Otherwise, you don't get any subsidy. And what's the point of it, because we're not...the retirement system is not going to send a check to the individual; they're not allowed to. So why don't we take it and apply it toward our cost for health insurance?

Alderman Shea stated maybe this isn't germane to that but I remember one of the aldermen was under a retirement at the state level and rather than taking all of the money from the City, they stayed in the state retirement but the City then paid the supplement to the state for that person. And that was years back when I believe...probably before your time...but I know that Jim Clancy was the one who did that. In other words, he saved the City money by not participating in the City's insurance but the subsidy that the City would tend to make was much less so they sent it to the state so that the state retirement received that subsidy from the City

Ms. Lamberton asked was he a retired police officer?

Alderman Shea stated yes, a firefighter.

Ms. Lamberton stated okay that's why. We get that now. So actually that's a good point. It's no different than what's happening with Group 2. They're sending us a check for the retirees every month too.

Alderman Shea stated I say we should approve it. I make a motion we approve...

Chairman Gatsas asked this is saving the City money?

Ms. Lamberton said yes.

On a motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to recommend that a policy be set regarding the retiree insurance subsidy in situations where a retiree is married to an active city employee.

Chairman Gatsas addressed items 9 and 10 of the agenda:

9. Report of the Committee on Human Resources/Insurance recommending the Board establish a policy preventing part-time employees from purchasing health insurance upon retirement.  
*(Note: referred back to Committee by the BMA on July 11, 2006. Communication from the Human Resources Director enclosed.)*

#### **TABLED ITEM**

10. Communication from Virginia Lamberton, Human Resources Director, requesting adoption of a policy relating to participation in the Contributory Retirement System for part-time-employees:
  - establish a minimum number of hours per week that a part-time employee would have to work in order to be eligible to participate in the Retirement System (i.e., 20 hours, 30 hours, 35 hours);*(Tabled 05/23/2006. Communication from the Human Resources Director enclosed.)*

Ms. Lamberton stated I think that in your packet you'll find a letter dated July 25<sup>th</sup> from me, and it references items 9 and 10 on the agenda, because they kind of go together. One is the tabled item and one is establishing...

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to remove item 10 from the table for discussion.

Ms. Lamberton stated last time we met we talked about part-time employees. We have like 17 or 18 right now who are contributing to the retirement system and they are contributing the full five- percent. The full five- percent includes the one and a half percent, which is for the insurance subsidy. So that is one issue. And I had proposed, and wrongfully I believe, that when they retired they should not be able to purchase the health insurance. And that's really not right if they're contributing towards it. That's

what I'm trying to correct here. That's why I asked it to be remanded back to this committee. Then the second question was how many hours a week do part-timers need to work to be in the retirement system, prospectively, not the current people, but in the future. You asked me to find out what other cities and towns do and so I did talk with Jerry Fleury and I talked with a few other people and what I was reminded is that the City of Manchester is unique in that we're the only ones that have our own retirement system. Other cities and towns, if they choose to have a retirement plan for their employees, they are members of the Group 1 rate retirement system. Group 1 requires you to work full time in order to be a member of the Group 1 system, and so it's...well with the state it's either 37 and a half hours or 40 hours; that's defined as full time. Our definition of full time is 40 hours, and so what I'm suggesting to you today is that what we might want to do is have a threshold of 32 hours or four days a week, four out of five days a week, and then you're eligible as a part-time employee to contribute to the retirement system and then at whatever point, retire, you've paid for the health insurance, you can buy it like other retirees can and you remember that you get a retirement annuity check.

Alderman Shea stated quick question. Let's assume for the sake of discussion that you don't work those number of hours, should you be obligated then to contribute to...

Ms. Lamberton stated we contribute nothing then.

Alderman Shea stated you would contribute nothing. That makes sense. In other words, we shouldn't have people contributing to what is not under mandate for them.

Ms. Lamberton stated to something that they're not going to be able to get. It's not right.

Chairman Gatsas said let me ask you for the 17 or 18 people here...

Ms. Lamberton stated I put in the ordinance prospectively so that those people would be all set.

Alderman Shea asked would you repeat that? I didn't. . .

Ms. Lamberton responded 17 or 18 people that are currently part-time employees are all working more than 20 hours a week, I think 22 and up. They are making the contribution to retirement, they're making the full contribution that we would let that...

Alderman Shea stated they'd be grandfathered in?

Ms. Lamberton stated yes. But any new person that started the 32 hours or more a week would be required to be in the system and we would take the deduction out and then at some point in time they would be eligible for the retirement.

Chairman Gatsas stated and also the health insurance.

Ms. Lamberton replied correct, and the subsidy.

On motion of Alderman Shea, duly seconded by Alderman Duval it was voted to recommend approval of Items 9 and 10 relative to health insurance and participation in the Contributory Retirement System for part-time employees.

There being no further business to come before the Committee, on motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee